



General Assembly

January Session, 2013

Committee Bill No. 693

LCO No. 4036



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***AN ACT CONCERNING PROPERTY TAX RELIEF FOR BUSINESSES
AFFECTED BY MAJOR CONSTRUCTION ACTIVITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 8-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (g) (1) The zoning regulations may require that a site plan be filed
5 with the commission or other municipal agency or official to aid in
6 determining the conformity of a proposed building, use or structure
7 with specific provisions of such regulations. If a site plan application
8 involves an activity regulated pursuant to sections 22a-36 to 22a-45,
9 inclusive, the applicant shall submit an application for a permit to the
10 agency responsible for administration of the inland wetlands
11 regulations not later than the day such application is filed with the
12 zoning commission. The commission shall, within the period of time
13 established in section 8-7d, accept the filing of and shall process,
14 pursuant to section 8-7d, any site plan application involving land
15 regulated as an inland wetland or watercourse under chapter 440. The
16 decision of the zoning commission shall not be rendered on the site

17 plan application until the inland wetlands agency has submitted a
18 report with its final decision. In making its decision, the commission
19 shall give due consideration to the report of the inland wetlands
20 agency and if the commission establishes terms and conditions for
21 approval that are not consistent with the final decision of the inland
22 wetlands agency, the commission shall state on the record the reason
23 for such terms and conditions. A site plan may be modified or denied
24 only if it fails to comply with requirements already set forth in the
25 zoning or inland wetlands regulations. Approval of a site plan shall be
26 presumed unless a decision to deny or modify it is rendered within the
27 period specified in section 8-7d. A certificate of approval of any plan
28 for which the period for approval has expired and on which no action
29 has been taken shall be sent to the applicant within fifteen days of the
30 date on which the period for approval has expired. A decision to deny
31 or modify a site plan shall set forth the reasons for such denial or
32 modification. A copy of any decision shall be sent by certified mail to
33 the person who submitted such plan within fifteen days after such
34 decision is rendered. The zoning commission may, as a condition of
35 approval of a site plan or modified site plan, require a financial
36 guarantee in the form of a bond, a bond with surety or similar
37 instrument to ensure (A) the timely and adequate completion of any
38 site improvements that will be conveyed to or controlled by the
39 municipality, [and] (B) the implementation of any erosion and
40 sediment controls required during construction activities, and (C) the
41 reimbursement of property taxes to businesses affected by major
42 construction activities pursuant to subdivision (4) of this subsection.
43 The amount of such financial guarantee shall be calculated so as not to
44 exceed the anticipated actual costs for the completion of such site
45 improvements or the implementation of such erosion and sediment
46 controls plus a contingency amount not to exceed ten per cent of such
47 costs. At any time, the commission may grant an extension of time to
48 complete any site improvements. The commission shall publish notice
49 of the approval or denial of site plans in a newspaper having a general
50 circulation in the municipality. In any case in which such notice is not

51 published within the fifteen-day period after a decision has been
52 rendered, the person who submitted such plan may provide for the
53 publication of such notice within ten days thereafter. The provisions of
54 this subsection shall apply to all zoning commissions or other final
55 zoning authority of each municipality whether or not such
56 municipality has adopted the provisions of this chapter or the charter
57 of such municipality or special act establishing zoning in the
58 municipality contains similar provisions.

59 (2) To satisfy any financial guarantee requirement, the commission
60 may accept surety bonds and shall accept cash bonds, passbook or
61 statement savings accounts and other financial guarantees other than
62 surety bonds including, but not limited to, letters of credit, provided
63 such other financial guarantee is in a form acceptable to the
64 commission and the financial institution or other entity issuing any
65 letter of credit is acceptable to the commission. Such financial
66 guarantee may, at the discretion of the person posting such financial
67 guarantee, be posted at any time before all approved site
68 improvements are completed, except that the commission may require
69 a financial guarantee for erosion and sediment controls prior to the
70 commencement of any such site improvements. No certificate of
71 occupancy shall be issued before a required financial guarantee is
72 posted or the approved site improvements are completed to the
73 reasonable satisfaction of the commission or its agent. For any site plan
74 that is approved for development in phases, the financial guarantee
75 provisions of this section shall apply as if each phase was approved as
76 a separate site plan. Notwithstanding the provisions of any special act,
77 municipal charter or ordinance, no commission shall (A) require a
78 financial guarantee or payment to finance the maintenance of roads,
79 streets, retention or detention basins or other improvements approved
80 with such site plan for more than one year after the date on which such
81 improvements have been completed to the reasonable satisfaction of
82 the commission or its agent or accepted by the municipality, or (B)
83 require the establishment of a homeowners association or the
84 placement of a deed restriction, easement or similar burden on

85 property for the maintenance of approved public site improvements to
 86 be owned, operated or maintained by the municipality, except that the
 87 prohibition of this subparagraph shall not apply to the placement of a
 88 deed restriction, easement or similar burden necessary to grant a
 89 municipality access to such approved site improvements.

90 (3) If the person posting a financial guarantee under this section
 91 requests a release of all or a portion of such financial guarantee, the
 92 commission or its agent shall, not later than sixty-five days after
 93 receiving such request, (A) release or authorize the release of any such
 94 financial guarantee or portion thereof, provided the commission or its
 95 agent is reasonably satisfied that the site improvements for which such
 96 financial guarantee or portion thereof was posted have been
 97 completed, or (B) provide the person posting such financial guarantee
 98 with a written explanation as to the additional site improvements that
 99 must be completed before such financial guarantee or portion thereof
 100 may be released.

101 (4) For any site plan approved on or after October 1, 2013, the
 102 commission may, at the commission's discretion, require a developer
 103 to post a financial guarantee to fully or partially cover any property tax
 104 payments due during the course of construction from any business
 105 that will be disrupted as a result of major construction activities. For
 106 purposes of this section, "major construction activities" means
 107 construction that interrupts or is likely to interrupt the normal
 108 operation of a business for six months or longer, and "business" means
 109 any individual or sole proprietorship, partnership, firm, corporation,
 110 trust, limited liability company, limited liability partnership, joint
 111 stock company, joint venture, association or other legal entity through
 112 which business for profit is conducted.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	8-3(g)
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Statement of Purpose:

To authorize zoning commissions to require developers engaging in major construction activities to post a financial guarantee that will fully or partially reimburse surrounding businesses affected by such major construction activities for any property taxes due during the course of such activities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. CASSANO, 4th Dist.

S.B. 693